REMARKS/ARGUMENTS:

Claims 20, 27, 30, 34-39 and 41-44 are presently pending. Claim 20 has been amended solely to expedite prosecution without prejudice or disclaimer. Accordingly, claims 20, 27, 30, 34-39 and 41-44 will be pending upon entry of the instant amendments. *No new matter has been added.*

In addition, Applicants appreciate the Examiner's indication that pending claims and argument have overcome the previous rejections under 35 USC §112, first and second paragraphs.

Moreover, amendment and/or cancellation of the claims during pendency of the application are not to be construed as acquiescence to any of the objections/rejections set forth in any Office Action, and were done solely to expedite prosecution of the application. Applicants submit that claims were not added or amended during prosecution of the instant application for reasons related to patentability. Applicants reserve the right to pursue the claims as originally filed, subsequently amended or added, or similar claims, in this or one or more subsequent applications.

Claim Rejections under 35 USC §112

Rejection of Claims 20, 27, 30, 34-39 and 41-44 under 35 USC §112, First Paragraph

Claims 20, 27, 30, 34-39 and 41-44 stand rejected under 35 USC §112, first paragraph. In particular, the Office Action indicates on page 2 that "[t]he claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention." Moreover, the Office Action suggests that there is no definition of "aryl" "aralkyl" or "aralkyloxy" as recited in claim 20, as previously presented, which raises new matter.

Applicants respectfully disagree and reiterate that support for these terms (as noted in Applicants' prior response) may be found on page 5, lines 9-10 and page 5, line 21, in conjunction with the knowledge of the ordinarily skilled artisan (with respect to the

"oxy" portion of "arylalkoxy"). However, solely in order to expedite prosecution, Applicants have amended claim 20 in the following manner:

(1) The original "aroyl" is now "arylC=O";

(2) the original "aralkyl" is now "aryl substituted C 1-10 alkyl"; and

(3) the original "aralkyoxy" is now " aryl substituted C 1-10 alkyloxy".

In this regard, Applicants further invite the Examiner's attention to the definitions ***aralkyl*** as "aryl substituted alkyl" and ***alkoxy*** as comprising alkyl groups on page 5 of the present specification.

As such, Applicants respectfully request withdrawal of the rejection of claims 20, 27, 30, 34-39 and 41-44 under 35 USC §112, first paragraph, and favorable reconsideration.

Rejection of Claims 20, 27, 30, 34-39 and 41-44 under 35 USC §112, Second Paragraph

The Examiner has also objected to formula (IID), which the Examiner suggests as reciting R3 instead of R3'. Applicants have taken this opportunity and the Examiner's useful suggestion to more particularly point out the subject matter that Applicants regard as the invention. Accordingly, Applicants have amended the formula for (IID), to more particularly point out the prime notation of the R3' substituent.

As such, Applicants respectfully request withdrawal of the rejection of claims 20, 27, 30, 34-39 and 41-44 under 35 USC §112, second paragraph, and favorable reconsideration.

Claim Rejections under 35 USC §103

Rejection of Claims 20, 27, 30, 34-39 and 41-44 under 35 USC §103

The Examiner has maintained the rejection of claims 20, 27, 30 and 34-39 and 41-44 as being unpatentable over Brown et al (WO 96/15118) for the reasons of record. The Examiner has also suggested that "the exclusion of one species does not sufficiently overcome the equivalency teaching of Brown for –CONH- vs. –NHCO- as defined for variable X in the reference and other substituents as defined for R^1 (see page 27)."

Applicants respectfully traverse this rejection and assert that the Examiner has not met the burden of establishing a prima facie case of obviousness. MPEP 2144.08 provides that

> [t]o establish a *prima facie* case of obviousness in a genus-species chemical composition situation, as in any other 35 U.S.C. 103 case, it is essential that Office personnel find some motivation or suggestion to make the claimed invention in light of the prior art teachings. See, e.g., *In re Brouwer*, 77 F.3d 422, 425, 37 USPQ2d 1663, 1666 (Fed. Cir. 1996) ("***[T]he mere possibility*** that one of the esters or the active methylene group-containing compounds... ***could be modified*** or replaced such that its use would lead to the specific sulfoalkylated resin recited in claim 8 ***does not make the process recited in claim 8 obvious 'unless the prior art suggested the desirability of [such a] modification' or replacement.")*** (quoting *In re Gordon*, 733 F.2d 900, 902, 221 USPQ 1125, 1127 (Fed. Cir. 1984)); *In re Vaeck*, 947 F.2d 488, 493, 20 USPQ2d 1438, 1442 (Fed. Cir. 1991) ("[A] proper analysis under § 103 requires, *inter alia*, consideration of... whether the prior art would have suggested to those of ordinary skill in the art that they ***should*** make the claimed composition or device, or carry out the claimed process."). **[Emphasis added]**

In this regard, the Examiner has started with a single particular compound in Example 11, and has *admitted* that this structure is **not** within the scope of the claimed invention. However, the Examiner has suggested that by varying the X position, the 7 position, and particularly selecting certain combinations of substituents at this position (*i.e.*, which do not include a methoxy at the 7 position), the ordinarily skilled artisan could arrive at the present invention. Applicants assert that this argument is tenuous, at best, and encroaches into the category of hindsight reconstruction. Applicants further assert that the ordinarily skilled artisan would have no motivation to take a single listed species

compound, wherein selection of substituents and combinations had been made based on particular insight, and make ***multiple*** simultaneous *chemically significant modifications* in order to arrive at a compound that amazingly enough falls within the scope of the instant claims. In this regard, it is not enough that the ordinarily skilled artisan **could** have made the changes to the particular species, the standard in MPEP 2144.08 provides that the analysis for this type of selection is whether the prior art would have suggested to those of ordinary skill in the art that they ***should*** have made the changes based on *motivation* to make those changes. Applicants respectfully argue that such motivation is specifically lacking.

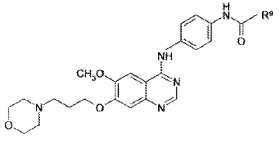
More notably, the disclosure of Brown et al. ***expressly*** **favors** a methoxy at the 7 position. Most of the exemplified compounds on pages 29-30 and the preferred embodiments throughout show a methoxy at the 7 position. And in fact, even the "especially preferred compound of the invention" listed on page 30 of Brown et al.: 6,7-dimethoxy-4-[3-methyl-4-(2-pyridylmethoxy)aniline]quinazoline, contains a methoxy at the 7 position. As such, it is unclear as to where the Examiner has found such motivation to alter a seemingly "especially preferred" substitution pattern comprising a 7 position methoxy (often combined with a 6 position methoxy). ***The ordinarily skilled artisan, without the benefit of the instant application would not be motivated to make and use a compound where the 7 position is not methoxy,*** much less make the additional selection of the X moiety suggested by the Examiner, starting from Example 11.

In particular, while substituents other than methoxy represented by R^1 are listed in Brown et al, as the Examiner points out on page 4 of the present office action, Applicants argue that this does not detract from the *clear teaching in Brown towards having methoxy substituents at both the 6 and 7 positions* of the ring (corresponding to present $R^{2'}$ and $R^{3'}$) *for compounds having a carbamoyl attached to the aniline group.* In this regard, Example 19, referred to by the Examiner, may have a 2-methoxyethoxy substituent falling within the instant $-X^1R^{15}$ at the 7-position but it does not have a $-CONR_3$ group on the aniline ring. Applicants submit that this would even further teach away from the compounds of the present invention than the compound of Example 11. Moreover, in no way would the compound of Example 19 make up for the deficiencies noted above related to the compound of Example 11.

Furthermore, the Examiner's argument that Applicants have excluded "one species" is inaccurate, in that Applicants have excluded numerous species by excluding the methoxy moiety at the 7 position ($R^{3'}$ position of the instant claims). And in actual fact, this exclusion of compounds, includes, but is not limited to ***the compounds of Brown et al. that by majority contain a methoxy at the 7 position (meaning all of the Examples and most of the preferred embodiments, including the "especially preferred" compound on page 30, lines 14-17).***

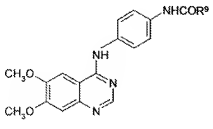
****

Even assuming for the sake of argument that the ordinarily skilled artisan would have selected the compound of Example 11, modified the carbamoyl moiety to an amido moiety, and combined this modification (which was not strictly recited in the specification) with a modification to the 7 position (in stark contrast to the majority of exemplified compounds, preferred compounds and especially preferred compounds), Applicants submit that secondary considerations of unexpected results of the compounds that are particularly selected in the instant claims should provide sufficient evidence of nonobviousness of the pending claim scope. In this regard, and with respect to the Examiner's own suggestions relating to Example 11, Applicants assert that if the Examiner is correct in the position that not only are carbamoyl and amido equivalent but also the values for R^1 of Brown are interchangeable, then it would have been expected by the ordinarily skilled artisan that compounds of the present invention having a group X^1-$R^{15'}$ which is not methoxy at $R^{3'}$ would have similar activity to compounds substituted with methoxy at $R^{3'}$. However, this is simply not consistent with the results presented in the present specification at pages 267-272 for the compound of Example 101 (from Table 4, page 37 of the present specification)



Example 101 : R9 = phenyl

compared to the compound of Example 1 (Table 1, page 34)



Example 1 : R9 = phenyl

which demonstrate that compounds of the present invention having a group X^1-$R^{15'}$ that is not methoxy at $R^{3'}$ exhibit surprisingly advantageous activity against aurora A kinase.

Accordingly, based on the foregoing arguments, Applicants submit that the Examiner has failed to meet the burden required to make out a prima facie case for obviousness. Moreover, Applicants have provided secondary considerations that would further substantiate a position of nonobviousness. As such, Applicants respectfully request withdrawal of the rejection of claims 20, 27, 30 and 34-39 and 41-44 under 35 U.S.C. §103(a) and favorable reconsideration.

Request for Phone Interview

Once the Examiner has had an opportunity to review the comments made herein, Applicants respectfully request a phone interview in order to discuss any final details that may help result in an allowance of the application with all pending claims.

CONCLUSION

Applicants respectfully request favorable reconsideration and allowance of all pending claims. Passage of the instant application to issuance is earnestly solicited. As noted above, if a telephone conversation with Applicants' attorney would help to expedite the prosecution of the above-identified application, the Examiner is urged to call Applicants' attorney at the telephone number below.

A petition for a one month extension of time is being filed herewith, the Commissioner is hereby authorized to charge any deficiency in the fees or credit any overpayment to deposit account No. 50-3231, referencing Attorney Docket No. Z70599-1P US.

Respectfully submitted,

/Jacob G. Weintraub/

Name: Jacob G. Weintraub, Esq.
Dated: July 14, 2008
Reg. No.: 56469
Phone No.: 781 839 4182
Global Intellectual Property, Patents,
AstraZeneca R&D Boston,
35, Gatehouse Drive,
Waltham,
MA 02451